

### REMARKS

This Amendment and Request for Continued Examination are filed in response to the Office Action mailed November 10, 2004 having a shortened statutory response period that ended on February 10, 2005. Accompanying this response is a petition for a one month extension of time. This Amendment is filed within the extension period, namely March 10, 2005. The Commissioner is hereby authorized to charge any additional fees to Deposit Account No. 02-1818.

Claims 2, 6-8, 12, 14-15, 17-19, 22, 28, 30, 31, and 52-55 were rejected under 35 U.S.C. §102(b) as being anticipated by *Vallot*. Claims 23, 36-38, 43, 44 and 56 were rejected under 35 U.S.C. §103(a) as being obvious in view of *Vallot*. Claims 29 and 51 were rejected under 35 U.S.C. §103(a) as being obvious over *Vallot* in view of U.S. Patent No. 5,788,121 to Sasaki et al. (*Sasaki*). Claim 28 has been canceled. Applicants respectfully traverse these rejections as *Vallot* and *Sasaki*, fail to teach or suggest the subject matter recited in the present claims.

*Vallot* and *Sasaki*, either alone or in combination, do not teach or suggest a flexible container with an end panel that i) extends beyond the plane defined by the fold line of each panel and ii) wherein the angle between the panel peripheral edge and the end segment tapered edge is between 135.01° and 138° as recited in the present claims. Rather, *Vallot* discloses a parallelepiped sachet wherein the top face is parallel to the bottom face. *Vallot*, col. 3 lines 12-15. Moreover, the *Vallot* parallelepiped sachet conforms exactly to the interior of the corresponding rigid support container. *Vallot*, col. 5 lines 48-60. The skilled artisan would realize that a parallelepiped container with parallel top and bottom end panels that conforms exactly to the support container does not disclose or suggest a container having an outwardly extending end panel as recited in the claims. See Declaration of Sidney T. Smith (*Smith Declaration*) at ¶¶6-7 set forth at Tab 1.

*Vallot* further fails to teach or suggest the angle range of 135.01° to 138° as recited in the present claims. Although *Vallot* may disclose an angle range of 120°-150° between the panel peripheral edge and end segment tapered edge of the container, *Vallot* fails to provide a single example wherein the angle is greater than 135°. In contrast, *Vallot's* figures and written description are clearly directed to a parallelepiped container—a container shape that by definition requires an angle of exactly 135° between the panel peripheral edge and the end

segment tapered edge. As *Vallot* i) discloses only a parallelepiped container which requires an angle of exactly  $135^\circ$  and ii) *Vallot* lacks an example of a container having an angle greater than  $135^\circ$ , it is apparent that *Vallot* fails to disclose with sufficient specificity the angle range recited in the present claims. As *Vallot* fails to sufficiently specify an angle greater than  $135^\circ$ , *Vallot* does not teach or suggest the angle range of  $135.01^\circ$  to  $138^\circ$  as recited in the present claims.

Furthermore, the invention as recited in the present claims, and the recited angle range in particular, produces unexpected results. The recited angle range of  $135.01^\circ$  to  $138^\circ$  between the peripheral panel edge and end segment tapered edge yields a large volume flexible container with outwardly extending end panels resistant to rupture as well as a container that fills and drains without wrinkling when placed in a corresponding support container. See *Smith Declaration* at ¶¶ 4-5. When the angle is  $135^\circ$  or less, the container end panels are weak and lack rupture resistance. When the angle greater is than  $138^\circ$ , the container experiences excessive wrinkling when placed in the support container. Wrinkling impedes proper filling and draining of the container. *Vallot*, on the other hand, discusses a parallelepiped container with an angle of exactly  $135^\circ$ . Consequently, *Vallot* has no teaching or suggestion directed to a large volume flexible container having the unexpected results of i) rupture resistant end panels and ii) a wrinkle-free container that occur as a result of the angle range of  $135.01^\circ$  to  $138^\circ$  as recited in the present claims.

*Sasaki* fails to fulfill the deficiencies of *Vallot*. In contrast, *Sasaki* teaches away from the recited 200L container as *Sasaki* discloses bags having a volume of 5-20L. *Sasaki*, col. 11 lines 44-47. The skilled artisan would appreciate that the design requirements for a flexible container for containing at least 200L of fluid are unique when compared to flexible containers for smaller volumes. See *Smith Declaration* at ¶ 3. In addition, *Sasaki* has no disclosure whatsoever directed to a flexible container having end segments with tapered peripheral edges.

## CONCLUSION

For the foregoing reasons, Applicants respectfully submit that the claims are in a condition for allowance and request early notification of the same.

Respectfully submitted,

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